



Docket No.: 1173-1034PUS2  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Mario H. SKIADOPOULOS et al.

Application No.: 10/667,141

Confirmation No.: 7197

Filed: September 18, 2003

Art Unit: 1648

For: RECOVERY OF RECOMBINANT HUMAN  
PARAINFLUENZA VIRUS TYPE 2 (HPIV2)  
FROM CDNA AND USE OF RECOMBINANT  
HPIV2 IN IMMUNOGENIC COMPOSITIONS  
AND AS VECTORS TO ELICIT IMMUNE  
RESPONSES AGAINST PIV AND OTHER  
HUMAN PATHOGENS

Examiner: T. M. Brown

**INFORMATION DISCLOSURE STATEMENT**  
**(SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL**  
**REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE**  
**1.114 RCE APPLICATION)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

03/22/2007 HBLANCO 00000017 10667141

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. COPIES

☒ a. **Copies of cited U.S. patents and patent application publications are not included. Copies of foreign patent documents and non-patent literature are included.**

☐ b. Some or all of the documents listed on the PTO-SB08 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

☐ c. REFERENCES PREVIOUSLY CITED OR SUBMITTED - Pursuant to 37 C.F.R. §1.98(d), consideration of information listed on the PTO-SB08 form(s) is requested since any patents, publications, or other information which are listed on the PTO-SB08 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Appl. No(s) and U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

☒ a. DOCUMENTS IN THE ENGLISH LANGUAGE - **The patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy.**

☐ b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

☐ c. ENGLISH LANGUAGE SEARCH REPORT - An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

☐ d. OTHER - The following additional information is provided for the Examiner's consideration.

IV. FEES (check one box)

☐ a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application; therefore, no fee is required.

☐ b. This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required.

☐ c. This Information Disclosure Statement is being filed within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.  
(This section is not to be used with RCE's.)

☐ d. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

☐ e. This Information Disclosure Statement is being filed concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

☐ f. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account for the fee as required by 37 C.F.R. § 1.17(p).

☒ g. **This Information Disclosure Statement is being filed before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).**

☒ **No statement; therefore, a fee as required by 37 C.F.R. § 1.17(p) is attached.**

or

☐ See the statement below. No fee is required.

V. STATEMENT UNDER 37 C.F.R. § 1.97(e)

(check only one box)

The undersigned hereby states that:

☐ a. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or

☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ c. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

☐ d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VI. PAYMENT OF FEES (check one box)

☒ The required fee is listed on the attached Fee Transmittal.

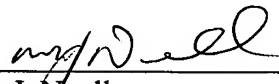
☐ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: March 21, 2007

Respectfully submitted,

By   
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Attachment(s):

- ☒ PTO-SB08
- ☒ Documents (with CD)
- ☐ Foreign Search Report
- ☒ Fees
- ☒ Other: Petition



PTO/SB/08a/b (07-05)  
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|   |   |    |    | Application Number       | 10/667,141-Conf. #7197 |
|   |   |    |    | Filing Date              | September 18, 2003     |
|   |   |    |    | First Named Inventor     | Mario H. SKIADOPOULOS  |
|   |   |    |    | Art Unit                 | 1648                   |
|   |   |    |    | Examiner Name            | T. M. Brown            |
| Sheet   | 1 | of | 10 | Attorney Docket Number   | 1173-1034PUS2          |

| U.S. PATENT DOCUMENTS |                       |  |                                |  |   |
|-----------------------|-----------------------|--|--------------------------------|--|---|
| Examiner Initials*    | Cite No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       |                       | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
|                       | AA                    | US-4,683,195                             | 07/28/1987                     | Mullis et al                                       |   |
|                       | AB                    | US-4,683,202                             | 07/28/1987                     | Mullis   |   |
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|                       | AF                    | US-6,689,367                             | 02/10/2004                     | Collins  |   |
|                       | AG                    | US-2004-0142448                          | 07/22/2004                     | Murphy   |   |

| FOREIGN PATENT DOCUMENTS |                       |   |                                |  |  |                |
|--------------------------|-----------------------|---|--------------------------------|--|--|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|                          |                       | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                |  |  |                |
|                          | BA                    | WO 9712032  | 04/03/1997                     |  |  |                |
|                          | BB                    | WO 9706270  | 02/20/1997                     |  |  |                |
|                          | BC                    | WO 9802530  | 01/22/1998                     |  |  |                |
|                          | BD                    | WO 9853078  | 11/26/1998                     |  |  |                |
|                          | BE                    | WO 0061611  | 10/19/2000                     |  |  |                |
|                          | BF                    | WO 0061737  | 10/19/2000                     |  |  |                |
|                          | BG                    | WO 0142445  | 06/14/2001                     |  |  |                |
|                          | BH                    | WO 0104320  | 01/18/2001                     |  |  |                |
|                          | BI                    | WO 0104335  | 01/18/2001                     |  |  |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS |                       |   |                |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials               | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                                 | CA                    | Anderson et al., Antigenic Characterization of Respiratory Syncytial Virus Strains With Monoclonal Antibodies, Journal Infectious Diseases, Vol. 151, No. 4, 626-633 (1985)   |                |
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|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
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|   |   |    |    | Examiner Name            | T. M. Brown            |
| Sheet   | 2 | of | 10 | Attorney Docket Number   | 1173-1034PUS2          |

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| Sheet   | 3 | of | 10                       | Attorney Docket Number | 1173-1034PUS2 |

|     |  |  |
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| CH1 | Dillon et al., Expression Of Five Proteins From The Sendai Virus PC mRNA In Infected Cells, Journal of Virology, Vol. 63, No. 2, 974-977 (1989)  |  |
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| CJ1 | Duprex et al., In Vitro And In Vivo Infection Of Neural Cells By A Recombinant Measles Virus Expressing Enhanced Green Fluorescent Protein, Journal of Virology, Vol. 74, No. 17, 7972-7979 (2000) |  |
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| CN1 | Durbin et al., Mini. Protein Requirements for Transcription, RNA Replication of Minigenome of Human Parainfluenza Virus Type 3 and Evaluation of the Rule of Six, Virology, Vol. 234, 74-83 (1997) |  |
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|                    |  |                 |  |
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| Sheet   | 4 | of | 10 | Attorney Docket Number   | 1173-1034PUS2          |

|  |     |  |  |
|--|-----|--|--|
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|  | CT1 | Fenner et al., Monoclonal Antibodies Specific For Sendai Virus, <i>Scand. Journal of Immunology</i> , Vol. 24, 341-349 (1986)  |  |
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|  | CB2 | Garcin et al., Longer And Shorter Forms Of Sendai Virus C Proteins Play Different Roles In Modulating The Cellular Antiviral Response, <i>Journal of Virology</i> , Vol. 75, No. 15, 6800-6807 (2001)    |  |
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|  | CP2 | Hoffman et al., An Infectious Clone of Human Parainfluenza Virus Type 3, Journal of Virology, Vol. 71, No. 6, 4272-4277 (1997)   |  |
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|  | CJ5 | Schnell et al., Foreign Glycoproteins Expressed From Recombinant Vesicular Stomatitis Viruses Are Incorporated Efficiently, <i>Proc. Natl. Acad. Sci.</i> , Vol. 93, 11359-11365 (1996)                  |  |
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|  |    |    |    | Application Number       | 10/667,141-Conf. #7197 |
|  |    |    |    | Filing Date              | September 18, 2003     |
|  |    |    |    | First Named Inventor     | Mario H. SKIADOPOULOS  |
|  |    |    |    | Art Unit                 | 1648                   |
|  |    |    |    | Examiner Name            | T. M. Brown            |
| Sheet  | 10 | of | 10 | Attorney Docket Number   | 1173-1034PUS2          |

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|-----|---|--|
| CN6 | Vulliemoz et al., Rule of Six How Does the Sendai virus RNA Polymerase keep Count, Journal of Virology, Vol. 75, No. 10, 4506-4518 (2001)   |  |
| CO6 | Walsh et al., Analysis of the Respiratory Syncytial Virus Fusion Protein Using Monoclonal and Polyclonal Antibodies, Journal of General Virology, Vol. 67, 505-513 (1986)                 |  |
| CP6 | Whelan et al., Efficient Recovery of Infectious Vesicular Stomatitis Virus Entirely from cDNA Clones, Proc. Natl. Acad. Sci., Vol. 92, 8388-8392 (1995)                                   |  |
| CQ6 | Whitehead et al., Recombinant Respiratory Syncytial Virus (RSV) Bearing A Set of Mutations, Journal Virology, Vol. 72, No. 5, 4467-4471 (1998)  |  |
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| CT6 | Wigler et al., Biochemical Transfer of Single Copy Eucaryotic Genes Using Total Cellular DNA As Donor, Cell, Vol. 14, 725-731 (1978)  |  |
| CU6 | Wright et al., Evaluation of a Live Cold Passaged Temperature Sensitive Respiratory Syncytial Virus Vaccing Candidate In Infancy, Journal Infectious Diseases, Vol. 182, 1331-1342 (2000) |  |
| CV6 | Wyatt et al. Replication Deficient Vaccinia Virus Encoding Bacteriophage T7 RNA, Virology, Vol. 210, 202-205 (1995)   |  |
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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